

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Patrick Michael Miller v Newbury Management Co Inc**
Docket No. **268004**
L.C. No. **05-502955-NO**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The claim of appeal from the January 3, 2006 order granting partial summary disposition is DISMISSED for lack of jurisdiction since the claims against defendant Billy Thomas Herborn, who is also known as Billy Thomas Spears, were still pending when appellant claimed his appeal. MCR 2.604(A), 7.202(6)(a)(i), and 7.203(A)(1). If appellant still wants to challenge this interlocutory order before the entry of the final order, he must file a delayed application for leave to appeal under MCR 7.205. See MCR 7.203(B)(1).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 01 2006

Date

Sandra Schultz Mengel
Chief Clerk